

**REMARKS/ARGUMENTS**

**Pending Claims**

Claims 1-10 are pending in this application. Claims 1-10 have been amended. No new matter has been added.

**Claim Rejections under 35 U.S.C. §101**

Claims 1-10 have been rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter; and is not supported by either a clearly asserted utility or a well established utility. Applicants request reconsideration of the rejection in view of the foregoing claim amendments and for the following reasons.

Claims 1, 5 and 8 have been amended to set forth that the auction result information received from the selected auction servers is notified to the information terminal (user computer in claim 5) and output. The specification discloses that the information terminal is, for example, a computer (*see*, page 5, lines 20-23). Accordingly, the auction result information may be displayed at the terminal or computer, thereby providing a tangible result. *See*, Fig. 5, step 412 and page 14, lines 14-16; and Fig. 7, step 611, page 18, lines 16-21 of the specification, for example. Accordingly, the rejections under 35 U.S.C. § 101 should be withdrawn.

**Claim Rejections under 35 U.S.C. §112**

Claims 1-10 have been rejected under 35 U.S.C. §112, first paragraph since the claimed

invention is not supported by either a clearly asserted utility or a well established utility and for failure to comply with the written description requirement. Applicants request reconsideration of the rejection in view of the foregoing claim amendments and for the following reasons.

Mainly, as aforementioned, claims 1, 5 and 8 have been amended to set forth that the auction result information received from the selected auction servers is notified to the information terminal (user computer in claim 5) and output as a display, as shown in Figs. 5 and 7, for example. Accordingly, the rejections under 35 U.S.C. § 112, first paragraph should be withdrawn.

Claims 1-10 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants request reconsideration of the rejection in view of the amendments made to the claims that delete the language objected to for being indefinite. Therefore, the rejections under 35 U.S.C. § 112, second paragraph should be withdrawn.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1-4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Huberman, U.S. Patent No. 5,826,244 in view of Koopersmith, U.S. Pregrant Publication No. 2001/0042002 A1; and claims 5-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Huberman. Applicants request reconsideration of the rejection in view of the foregoing claim amendments and for the following reasons.

The present invention is directed to an auction brokerage service provided by a brokerage computer that resides between a user computer or information terminal and auction servers that perform brokerage operations for an auction. The auction servers are other brokerage computers which accept bids from a plurality of other user terminals for the auctioned commodity. The brokerage computer integrates the auction results gathered from the relevant auction servers or sites. The information is processed to notify or inform the user at the information terminal of the auction results from the auction servers. If there were no brokerage computer in an auction system, as provided by the present invention, the user would have to perform periodic monitoring of the results over all the auction sites as individual tasks, and this would be highly inefficient. That is, the brokerage computer of the present invention does not perform auction operations in the same manner as the auction servers, but rather receives auction result information from the selected auction servers and notifies the user computer or information terminal of the auction result information.

On the other hand, Huberman discloses an auction brokerage computer that is essentially equivalent to the auction servers of the present invention. However, the auction brokerage computer of Huberman is not equivalent to the claimed brokerage computer set forth in Applicants' claims. The broker process in Huberman basically attempts to establish a price for the bids the broker has received from either supplier processes or customer processes. However, the broker process essentially conducts conventional auction brokerage operations. It is evident that the broker process of Huberman does not disclose the brokerage computer

used in the method of claims 1-7; and further that the reference does not disclose a computer that is equivalent to that claimed by Applicants in claims 8-10.

The Examiner refers to "a participation in multiple auction markets by a seller" as being well known in the prior art. However, the brokerage computer of the present invention is not encompassed by such well known prior art. The Office Action does not set forth a reference describing such a brokerage computer as disclosed and claimed by Applicants in connection with the auction brokerage that is claimed. Huberman refers to "multiple processes with a single auction, or a single process with multiple auctions" (column 7, lines 12-15; column 18, lines 38-41), but the operations Huberman refers to are limited in their disclosure. For example, Huberman discloses auction brokerage operations specifically related to a document service auction involving a document supplier and a customer, which is unlike the auction brokerage involving a plurality of auction servers, as disclosed in the present invention.

In claims 2, 5 and 8, the method and computer of the invention includes notifying the other auction servers or computers of the highest bid price among the bid prices in order to adjust the bid prices to the highest bid over all the auction sites. Since Huberman merely establishes the highest price among the prices that are bid in the auctioning of the document services, Huberman clearly does not provide such a similar notification.

Koopersmith merely discloses the typical exchange of information in relation to e-commerce transactions in a networked environment 401 (Fig. 4). Koopersmith fails to teach or suggest the above noted deficiencies evident in Huberman. Accordingly, neither Huberman



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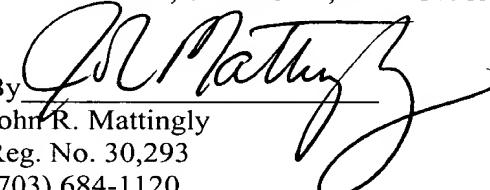
nor the combination of Huberman and Koopersmith renders the invention as claimed obvious under 35 U.S.C. §103(a) and therefore the rejections should be withdrawn.

**Conclusion**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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